

STATEMENT OF SCOPE

PHYSICAL THERAPY EXAMINING BOARD

Rule No.: PT 1 and 5

Relating to: Telehealth and supervision of PTAs

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The Board's primary objective is to review the supervision requirements in chapter PT 5 in order to bring it up to current standards of practice in supervising physical therapist assistants according to new telehealth practice. The Board will also conduct a comprehensive review of chapter PT 1 and 5 to implement the changes of 2021 Wisconsin Act 121 and make revisions to ensure statutory compliance.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section PT 5.01 contains requirements for supervision of physical therapist assistants, including requirements that a physical therapist providing general supervision of a physical therapist assistant needs to provide on-site assessment and reevaluation of each patient a minimum of one time per calendar month or every tenth treatment day, whichever is sooner. This creates a problem for patients who are using telehealth because they are required to schedule an in-person clinic visit to comply with this provision.

The alternative to promulgating rules would be to not update the rules. This would leave the rules as they are, which is causing access problems for patients, and it would also leave the rules inconsistent with statutory provisions.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides an examining board "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.11 (2) (a), Stats., provides that "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute..."

Section 440.17, Stats., provides that "[i]f the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define 'telehealth' to have the meaning given in s. 440.01 (1) (hm)."

Section 448.56 (6), Stats., provides that “[a] physical therapist assistant may assist a physical therapist in the practice of physical therapy if the physical therapist provides direct or general supervision of the physical therapist assistant. The examining board shall promulgate rules defining ‘direct or general supervision’ for purposes of this subsection. Nothing in this subsection interferes with delegation authority under any other provision of this chapter.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Physical therapists, physical therapist assistants, entities employing physical therapists and physical therapist assistants, and individuals accessing physical therapy services.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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